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HOUSE BILL 868

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO PUBLIC ASSISTANCE; REQUIRING ANY ELIGIBLE RECIPIENT OF A NEW MEXICO PUBLIC ASSISTANCE PROGRAM TO SUBMIT TO DRUG TESTING AS A CONDITION OF ELIGIBILITY; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Assistance Act is enacted to read:

"[NEW MATERIAL] DRUG TESTING--TREATMENT--NONCOMPLIANCE.--

A. The department shall provide for drug testing of an applicant or recipient if it finds there is probable cause that the applicant or recipient is using an illegal substance.

B. The department shall contract with or create within the department a unit capable of screening an applicant's or recipient's blood, hair or urine for an illegal substance and

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1 shall provide by rule for specific conditions under which a  
2 drug test shall be required and specific tests to be  
3 administered.

4 C. If the result of a drug test indicates that an  
5 applicant or recipient is using an illegal substance, the  
6 department shall refer the applicant or recipient to a  
7 treatment program, during which the applicant or recipient  
8 shall remain eligible for assistance.

9 D. An applicant or recipient who fails to complete  
10 rehabilitation in a treatment program is no longer eligible for  
11 public assistance and shall be required to wait a minimum of  
12 one year before becoming eligible and complying with the  
13 ordered treatment.

14 E. For the purposes of this section and the  
15 provisions noted below, drug testing shall be conducted on an  
16 applicant or recipient if the department determines there is  
17 probable cause to conduct drug testing and if the applicant or  
18 recipient is eligible for the:

19 (1) federal low income home energy assistance  
20 program or the Low Income Utility Assistance Act; provided that  
21 the assistance is in the form of direct assistance to the  
22 recipient and not through a third party;

23 (2) food stamp program pursuant to Section  
24 27-2-10 NMSA 1978;

25 (3) cash assistance program pursuant to the

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1 New Mexico Works Act or the Education Works Act; or

2 (4) general assistance program pursuant to  
3 Section 27-2-7 NMSA 1978."

4 Section 2. Section 27-2-1 NMSA 1978 (being Laws 1973,  
5 Chapter 376, Section 1) is amended to read:

6 "27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act~~  
7 ~~and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17,~~  
8 ~~13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21,~~  
9 ~~13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28,~~  
10 ~~13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37,~~  
11 ~~13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through  
12 27-2-34 NMSA 1978 may be cited as the "Public Assistance Act"."

13 Section 3. Section 27-2-2 NMSA 1978 (being Laws 1973,  
14 Chapter 376, Section 2, as amended) is amended to read:

15 "27-2-2. DEFINITIONS.--As used in the Public Assistance  
16 Act:

17 A. "department" means the human services  
18 department;

19 B. "board" means the [~~human services~~] department;

20 C. "director" means the secretary [~~of human~~  
21 ~~services~~];

22 D. "drug testing" means analysis of an applicant's  
23 or recipient's blood, hair or urine to screen for an illegal  
24 substance;

25 [~~D.~~] E. "local office" means the county or district

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1 office of the [~~human services~~] department;

2 [~~F.~~] F. "public welfare" or "public assistance"  
3 means any aid or relief granted to or on behalf of an eligible  
4 person under the Public Assistance Act and regulations issued  
5 pursuant to that act;

6 [~~F.~~] G. "applicant" means a person who has applied  
7 for assistance or services under the Public Assistance Act;

8 [~~G.~~] H. "recipient" means a person who is receiving  
9 assistance or services under the Public Assistance Act;

10 [~~H.~~] I. "federal act" means the federal Social  
11 Security Act, as may be amended from time to time, and  
12 regulations issued pursuant to that act; and

13 [~~I.~~] J. "secretary" means the secretary of human  
14 services."

15 Section 4. Section 27-2-4 NMSA 1978 (being Laws 1973,  
16 Chapter 376, Section 4, as amended) is amended to read:

17 "27-2-4. ELIGIBILITY REQUIREMENTS.--Consistent with the  
18 federal act, a person is eligible for public assistance grants  
19 under the Public Assistance Act if:

20 A. pursuant to Section [~~13-17-3 NMSA 1953~~] 27-2-3  
21 NMSA 1978, the total amount of [~~his~~] the person's nonexempt  
22 income is less than the applicable standard of need; [~~and~~]

23 B. nonexempt specific and total resources are less  
24 than the level of maximum permissible resources established by  
25 the [~~board; and~~] income support division of the department;

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1 C. ~~[he]~~ the person meets all qualifications for one  
2 of the public assistance programs authorized by the Public  
3 Assistance Act; ~~[and]~~

4 D. within two years immediately prior to the filing  
5 of an application for assistance, ~~[he]~~ the person has not made  
6 an assignment or transfer of real property unless ~~[he]~~ the  
7 person has received a reasonable return for the real property  
8 or, if ~~[he]~~ the person has not received ~~[such]~~ a reasonable  
9 return, ~~[he]~~ the person is willing to attempt to obtain such  
10 return and, if ~~[such]~~ that attempt proves futile, ~~[he]~~ the  
11 person is willing to attempt to regain title to the property;  
12 ~~[and]~~

13 E. ~~[he]~~ the person is not an inmate of any public  
14 nonmedical institution at the time of receiving assistance;  
15 ~~[and]~~

16 F. ~~[he]~~ the person is a resident of New Mexico; and

17 G. based on a finding of probable cause by the  
18 department of illegal substance use, the person consents to  
19 drug testing as a condition of receiving public assistance."

20 Section 5. Section 27-2B-1 NMSA 1978 (being Laws 1998,  
21 Chapter 8, Section 1 and Laws 1998, Chapter 9, Section 1) is  
22 amended to read:

23 "27-2B-1. SHORT TITLE.--~~[Sections 1 through 20 of this~~  
24 ~~act]~~ Chapter 27, Article 2B NMSA 1978 may be cited as the "New  
25 Mexico Works Act"."

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1           Section 6. Section 27-2B-3 NMSA 1978 (being Laws 1998,  
2 Chapter 8, Section 3 and Laws 1998, Chapter 9, Section 3, as  
3 amended) is amended to read:

4           "27-2B-3. DEFINITIONS.--As used in the New Mexico Works  
5 Act:

6           A. "applicant" means a person applying for cash  
7 assistance on behalf of a benefit group;

8           B. "benefit group" means a pregnant woman or a  
9 group of people that includes a dependent child, all of that  
10 dependent child's full, half or adopted siblings or  
11 stepsiblings living with the dependent child's parent or  
12 relative within the fifth degree of consanguinity and the  
13 parent with whom the children live;

14           C. "cash assistance" means cash payments funded by  
15 the temporary assistance for needy families block grant  
16 pursuant to the federal act and by state funds;

17           D. "department" means the human services  
18 department;

19           E. "dependent child" means a natural child, adopted  
20 child, stepchild or ward who is:

- 21                   (1) seventeen years of age or younger;
- 22                   (2) eighteen years of age and is enrolled in  
23 high school; or
- 24                   (3) between eighteen and twenty-two years of  
25 age and is receiving special education services regulated by

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1 the public education department;

2 F. "director" means the director of the income  
3 support division of the department;

4 G. "drug test" means analysis of an applicant's or  
5 participant's blood, hair or urine to screen for an illegal  
6 substance;

7 [~~G.~~] H. "earned income" means cash or payment in  
8 kind that is received as wages from employment or payment in  
9 lieu of wages; and earnings from self-employment or earnings  
10 acquired from the direct provision of services, goods or  
11 property, production of goods, management of property or  
12 supervision of services;

13 [~~H.~~] I. "federal act" means the federal Social  
14 Security Act and rules promulgated pursuant to the Social  
15 Security Act;

16 [~~I.~~] J. "federal poverty guidelines" means the  
17 level of income defining poverty by family size published  
18 annually in the federal register by the United States  
19 department of health and human services;

20 [~~J.~~] K. "immigrant" means alien as defined in the  
21 federal act;

22 [~~K.~~] L. "parent" means natural parent, adoptive  
23 parent, stepparent or legal guardian;

24 [~~L.~~] M. "participant" means a recipient of cash  
25 assistance or services or a member of a benefit group who has

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1 reached the age of majority;

2 [M-] N. "person" means an individual;

3 [N-] O. "secretary" means the secretary of the  
4 department;

5 [O-] P. "services" means child care assistance;  
6 payment for employment-related transportation costs; job search  
7 assistance; employment counseling; employment, education and  
8 job training placement; one-time payment for necessary  
9 employment-related costs; case management; or other activities  
10 whose purpose is to assist transition into employment;

11 [P-] Q. "unearned income" means old age, survivors  
12 and disability insurance; railroad retirement benefits;  
13 veterans administration compensation or pension; military  
14 retirement; pensions, annuities and retirement benefits; lodge  
15 or fraternal benefits; shared shelter payments; settlement  
16 payments; individual Indian money; child support; unemployment  
17 compensation benefits; union benefits paid in cash; gifts and  
18 contributions; and real property income;

19 [Q-] R. "vehicle" means a conveyance for the  
20 transporting of individuals to or from employment, for the  
21 activities of daily living or for the transportation of goods;  
22 "vehicle" does not include any boat, trailer or mobile home  
23 used as a principal place of residence; and

24 [R-] S. "vocational education" means an organized  
25 educational program that is directly related to the preparation

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1 of a person for employment in a current or emerging occupation  
2 requiring training other than a baccalaureate or advanced  
3 degree. Vocational education must be provided by an  
4 educational or a training organization, such as a vocational-  
5 technical school, community college, post-secondary educational  
6 institution or proprietary school."

7 Section 7. Section 27-2B-4 NMSA 1978 (being Laws 1998,  
8 Chapter 8, Section 4 and Laws 1998, Chapter 9, Section 4, as  
9 amended) is amended to read:

10 "27-2B-4. APPLICATION--RESOURCE PLANNING SESSION--  
11 INDIVIDUAL RESPONSIBILITY PLANS--PARTICIPATION AGREEMENT--  
12 REVIEW PERIODS.--

13 A. Application for cash assistance or services  
14 shall be made to the department. The application shall be in  
15 writing or reduced to writing in the manner and on the form  
16 prescribed by the department. The application shall be made  
17 under oath by an applicant having custody of or residing with a  
18 dependent child who is a benefit group member and shall contain  
19 a statement of the age of the child, residence, a complete  
20 statement of the amount of property in which the applicant has  
21 an interest, a statement of all income that the applicant and  
22 other benefit group members have at the time of the filing of  
23 the application and other information required by the  
24 department.

25 B. The department shall assist an applicant in

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1 completing the application for cash assistance or services and  
2 shall evaluate an applicant to determine eligibility for all  
3 department programs for which the applicant is eligible. The  
4 department shall process all expedited food stamp applications  
5 within two business days of submission, and the department  
6 shall deliver expedited food stamps to an eligible applicant  
7 within seven days of the application.

8 C. At the time of application for cash assistance  
9 and services, an applicant and the department shall identify  
10 everyone who is to be counted in the benefit group. Once an  
11 application is approved, the participant shall advise the  
12 department if there are any changes in the membership of the  
13 benefit group.

14 D. No later than thirty days after an application  
15 is filed, the department shall provide to an applicant a  
16 resource planning session to ascertain the applicant's  
17 immediate needs, assess financial and nonfinancial options,  
18 make referrals and act on the application.

19 E. No later than five days after an application is  
20 approved, the department shall provide reimbursement for child  
21 care.

22 F. Whenever the department receives an application  
23 for assistance, a verification and record of the applicant's  
24 circumstances shall promptly be made to ascertain the facts  
25 supporting the application and to obtain other information

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1 required by the department. The verification may include a  
2 visit to the home of the applicant, as long as the department  
3 gives adequate prior notice of the visit to the applicant.

4 G. No later than fifteen days after an application  
5 is approved, the department shall assess the education, skills,  
6 prior work experience and employability of the participant.

7 H. After the initial assessment of skills, the  
8 department shall work with the participant to develop an  
9 individual responsibility plan that:

10 (1) sets forth an employment goal for the  
11 participant and a plan for moving the participant into  
12 employment;

13 (2) sets forth obligations of the participant  
14 that may include a requirement that the participant attend  
15 school, maintain certain grades and attendance, keep the  
16 participant's school-age children in school, immunize the  
17 participant's children or engage in other activities that will  
18 help the participant become and remain employed;

19 (3) is designed to the greatest extent  
20 possible to move the participant into whatever employment the  
21 participant is capable of handling and to provide additional  
22 services as necessary to increase the responsibility and amount  
23 of work the participant will handle over time;

24 (4) describes the services the department may  
25 provide so that the participant may obtain and keep employment;

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1 and

2 (5) may require the participant to participate  
3 in appropriate services, such as substance abuse, domestic  
4 violence or mental health services.

5 I. The participant and the department shall sign  
6 the participant's individual responsibility plan. The  
7 department shall not allow a participant to decline to  
8 participate in developing an individual responsibility plan.  
9 The department shall not waive the requirement that a  
10 participant develop an individual responsibility plan. The  
11 department shall emphasize the importance of the individual  
12 responsibility plan to the participant.

13 J. If a participant does not develop an individual  
14 responsibility plan, refuses to sign an individual  
15 responsibility plan, refuses a request to undergo a drug test  
16 based on a finding of probable cause by the department of  
17 illegal substance use or refuses to attend semiannual reviews  
18 of an individual responsibility plan, the participant shall be  
19 required to enter into a conciliation process pursuant to  
20 Subsection C of Section 27-2B-14 NMSA 1978. If the participant  
21 persists in noncompliance with the individual responsibility  
22 plan process after the conciliation process, the participant  
23 shall be subject to sanctions pursuant to Section 27-2B-14 NMSA  
24 1978.

25 K. The participant shall also sign a participation

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1 agreement that designates the number of hours that the  
2 participant must participate in work activities to meet  
3 participation standards.

4 L. The department shall review the current  
5 financial eligibility of a benefit group when the department  
6 reviews food stamp eligibility.

7 M. The department shall meet semiannually with a  
8 participant to review and revise the participant's individual  
9 responsibility plan.

10 N. The department shall develop a complaint  
11 procedure to address issues pertinent to the delivery of  
12 services and other issues relating to a participant's  
13 individual responsibility plan."

14 Section 8. Section 27-2B-6 NMSA 1978 (being Laws 1998,  
15 Chapter 8, Section 6 and Laws 1998, Chapter 9, Section 6, as  
16 amended by Laws 2007, Chapter 46, Section 19 and by Laws 2007,  
17 Chapter 350, Section 4) is amended to read:

18 "27-2B-6. DURATIONAL LIMITS.--

19 A. Pursuant to the federal act, on or after  
20 July 1, 1997, a participant may receive federally funded cash  
21 assistance or state-funded cash assistance and services  
22 pursuant to the New Mexico Works Act for up to sixty months.

23 B. During a participant's semiannual review, the  
24 department shall examine the participant's progress to  
25 determine if the participant has successfully completed an

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1 educational or training program or increased the number of  
2 hours the participant is working as required by the federal  
3 act. If the department has probable cause that a participant  
4 is using an illegal substance, it may require the participant  
5 to undergo a drug test. The department may refer the  
6 participant to alternative work activities or provide  
7 additional services to address barriers to employment facing  
8 the participant.

9 C. Up to twenty percent of the population of  
10 participants may be exempted from the sixty-month durational  
11 limit set out in Subsection A of this section because of  
12 hardship or because those participants are battered or subject  
13 to extreme cruelty.

14 D. For the purposes of this section, a participant  
15 has been battered or subjected to extreme cruelty if the  
16 participant can demonstrate by reliable medical, psychological  
17 or mental reports, court orders or police reports that the  
18 participant has been subjected to and currently is affected by:

- 19 (1) physical acts that result in physical  
20 injury;
- 21 (2) sexual abuse;
- 22 (3) being forced to engage in nonconsensual  
23 sexual acts or activities;
- 24 (4) threats or attempts at physical or sexual  
25 abuse;

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1 (5) mental abuse; or

2 (6) neglect or deprivation of medical care  
3 except when the deprivation is based by mutual consent on  
4 religious grounds.

5 E. For the purposes of this section, a hardship  
6 exception applies to a person who demonstrates through reliable  
7 medical, psychological or mental reports, social security  
8 administration records, court orders, police reports or  
9 department records that the person is a person:

10 (1) who is barred from engaging in a work  
11 activity because the person has a temporary or permanent  
12 disability;

13 (2) who is the sole provider of home care to a  
14 family member who is ill or has a disability;

15 (3) whose ability to be gainfully employed is  
16 affected by domestic violence;

17 (4) whose application for supplemental  
18 security income is pending in the application or appeals  
19 process and who:

20 (a) meets the criteria of Paragraph (1)  
21 of this subsection; or

22 (b) was granted a waiver from the work  
23 requirement or was granted a limited participation requirement  
24 pursuant to Paragraph (1) of Subsection I of Section 27-2B-5  
25 NMSA 1978 in the last twenty-four months; or

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1 (5) who otherwise qualifies for a hardship  
2 exception as defined by the department.

3 F. Pursuant to the federal act, the department  
4 shall not count a month of receipt of cash assistance or  
5 services toward the sixty-month durational limit if during the  
6 time of receipt the participant:

7 (1) was a minor and was not the head of a  
8 household or married to the head of a household; or

9 (2) lived in Indian country, as defined in the  
10 federal act, if the most reliable data available with respect  
11 to the month indicate that at least fifty percent of the adults  
12 living in Indian country or in the village were not employed."

13 Section 9. Section 27-2B-11 NMSA 1978 (being Laws 1998,  
14 Chapter 8, Section 11 and Laws 1998, Chapter 9, Section 11, as  
15 amended) is amended to read:

16 "27-2B-11. INELIGIBILITY.--

17 A. The following are ineligible to be members of a  
18 benefit group:

19 (1) an inmate or patient of a nonmedical  
20 institution;

21 (2) a person who, in the two years preceding  
22 application, assigned or transferred real property unless the  
23 person:

24 (a) received or receives a reasonable  
25 return;

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1 (b) attempted to or attempts to receive  
2 a reasonable return; or

3 (c) attempted to or attempts to regain  
4 title to the real property;

5 (3) a minor unmarried parent who has not  
6 successfully completed a high school education and who has a  
7 child at least twelve weeks of age in the minor unmarried  
8 parent's care unless the minor unmarried parent:

9 (a) participates in educational  
10 activities directed toward the attainment of a high school  
11 diploma or its equivalent; or

12 (b) participates in an alternative  
13 educational or training program that has been approved by the  
14 department;

15 (4) a minor unmarried parent who is not  
16 residing in a place of residence maintained by a parent, legal  
17 guardian or other adult relative unless the department:

18 (a) refers or locates the minor  
19 unmarried parent to a second-chance home, maternity home or  
20 other appropriate adult-supervised supportive living  
21 arrangement, and takes into account the needs and concerns of  
22 the minor unmarried parent;

23 (b) determines that the minor unmarried  
24 parent has no parent, legal guardian or other appropriate adult  
25 relative who is living or whose whereabouts are known;

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1 (c) determines that a minor unmarried  
2 parent is not allowed to live in the home of a living parent,  
3 legal guardian or other appropriate adult relative;

4 (d) determines that the minor unmarried  
5 parent is or has been subjected to serious physical or  
6 emotional harm, sexual abuse or exploitation in the home of the  
7 parent, legal guardian or other appropriate adult relative;

8 (e) finds that substantial evidence  
9 exists of an act or a failure to act that presents an imminent  
10 or serious harm to the minor unmarried parent and the child of  
11 the minor unmarried parent if they live in the same residence  
12 with the parent, legal guardian or other appropriate adult  
13 relative; or

14 (f) determines that it is in the best  
15 interest of the unmarried minor parent to waive this  
16 requirement;

17 (5) a minor child who has been absent or is  
18 expected to be absent from the home for forty-five days;

19 (6) a person who does not provide a social  
20 security number or who refuses to apply for one;

21 (7) a person who is not a resident of  
22 New Mexico;

23 (8) a person who fraudulently misrepresented  
24 residency to receive assistance in two or more states  
25 simultaneously, except that the person shall be ineligible only

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1 for ten years;

2 (9) a person who is a fleeing felon or a  
3 probation and parole violator; and

4 (10) a person concurrently receiving  
5 supplemental security income, tribal temporary assistance for  
6 needy families or bureau of Indian affairs general assistance.

7 B. For the purposes of this section, "second-chance  
8 home" means an entity that provides a supportive and supervised  
9 living arrangement to a minor unmarried parent where the minor  
10 unmarried parent is required to learn parenting skills,  
11 including child development, family budgeting, health and  
12 nutrition, and other skills to promote long-term economic  
13 independence and the well-being of children.

14 C. Pursuant to the authorization provided to the  
15 states in the Personal Responsibility and Work Opportunity  
16 Reconciliation Act of 1996, 21 U.S.C. Section 862a(d)(1)(A),  
17 New Mexico elects not to exempt all persons domiciled in the  
18 state from application of 21 U.S.C. Section 862a(d)(1)(A)  
19 concerning the restriction of eligibility for benefits on the  
20 basis of a conviction for distribution of a controlled  
21 substance."

22 Section 10. Section 27-2D-7 NMSA 1978 (being Laws 2003,  
23 Chapter 317, Section 7) is amended to read:

24 "27-2D-7. INELIGIBILITY.--

25 A. The following are ineligible to be members of a  
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1 benefit group:

2 (1) an inmate or patient of a nonmedical  
3 institution;

4 (2) a person who, in the two years preceding  
5 application, assigned or transferred real property unless ~~he~~  
6 the person:

7 (a) received or receives a reasonable  
8 return;

9 (b) attempted to or attempts to receive  
10 a reasonable return; or

11 (c) attempted to or attempts to regain  
12 title to the real property;

13 (3) a minor unmarried parent who has not  
14 successfully completed a high school education and who has a  
15 child at least twelve weeks of age in ~~his~~ the minor unmarried  
16 parent's care unless the minor unmarried parent:

17 (a) participates in educational  
18 activities directed toward the attainment of a high school  
19 diploma or its equivalent; or

20 (b) participates in an alternative  
21 educational or training program that has been approved by the  
22 department;

23 (4) a minor unmarried parent who is not  
24 residing in a place of residence maintained by ~~his~~ the minor  
25 unmarried parent's parent, legal guardian or other adult

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1 relative unless the department:

2 (a) refers or locates the minor  
3 unmarried parent to a second-chance home, maternity home or  
4 other appropriate adult-supervised supportive living  
5 arrangement and takes into account the needs and concerns of  
6 the minor unmarried parent;

7 (b) determines that the minor unmarried  
8 parent has no parent, legal guardian or other appropriate adult  
9 relative who is living or whose whereabouts are known;

10 (c) determines that a minor unmarried  
11 parent is not allowed to live in the home of a living parent,  
12 legal guardian or other appropriate adult relative;

13 (d) determines that the minor unmarried  
14 parent is or has been subjected to serious physical or  
15 emotional harm, sexual abuse or exploitation in the home of the  
16 parent, legal guardian or other appropriate adult relative;

17 (e) finds that substantial evidence  
18 exists of an act or a failure to act that presents an imminent  
19 or serious harm to the minor unmarried parent and the child of  
20 the minor unmarried parent if they live in the same residence  
21 with the parent, legal guardian or other appropriate adult  
22 relative; or

23 (f) determines that it is in the best  
24 interest of the unmarried minor parent to waive this  
25 requirement;

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1 (5) a minor child who has been absent or is  
2 expected to be absent from the home for forty-five days;

3 (6) a person who does not provide a social  
4 security number or who refuses to apply for one;

5 (7) a person who is not a resident of  
6 New Mexico;

7 (8) a person who fraudulently misrepresented  
8 residency to receive assistance in two or more states  
9 simultaneously, except that the person shall be ineligible only  
10 for ten years;

11 (9) a person who is a fleeing felon or a  
12 probation and parole violator;

13 (10) a person concurrently receiving  
14 supplemental security income, tribal temporary assistance for  
15 needy families or bureau of Indian affairs general assistance;  
16 [~~and~~]

17 (11) unless [~~he~~] the parent demonstrates good  
18 cause, a parent who does not assist the department in  
19 establishing paternity or obtaining child support or who does  
20 not assign support rights to New Mexico as required pursuant to  
21 the federal act; and

22 (12) an otherwise eligible person who refuses  
23 to consent to drug testing as a condition of eligibility based  
24 on a finding of probable cause by the department of illegal  
25 substance use.

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underscored material = new  
[bracketed material] = delete

1 B. For the purposes of this section:

2 (1) "second-chance home" means an entity that  
3 provides a supportive and supervised living arrangement to a  
4 minor unmarried parent where the minor unmarried parent is  
5 required to learn parenting skills, including child  
6 development, family budgeting, health and nutrition and other  
7 skills to promote long-term economic independence and the well-  
8 being of children; and

9 (2) "drug testing" means analysis of a  
10 person's blood, hair or urine to screen for an illegal  
11 substance.

12 C. Pursuant to the authorization provided to the  
13 states in the Personal Responsibility and Work Opportunity  
14 Reconciliation Act of 1996, 21 U.S.C. Section 862a(d)(1)(A),  
15 New Mexico elects not to exempt all persons domiciled in the  
16 state from application of 21 U.S.C. Section 862a(a)."

17 Section 11. Section 27-6-14 NMSA 1978 (being Laws 1979,  
18 Chapter 290, Section 4, as amended) is amended to read:

19 "27-6-14. PERSONS ELIGIBLE FOR UTILITY ASSISTANCE.--

20 A. Utility assistance supplements shall be paid to  
21 or on behalf of those individuals who are determined to be  
22 eligible by [~~regulation~~] rule of the department.

23 B. The department shall determine the amount of  
24 payment to be made; provided that no payment shall be made if a  
25 payment for the same services or incurred bills has been made

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underscoring material = new  
[bracketed material] = delete

1 to the household under a federal program for a similar purpose.

2 C. The department shall determine by rule the  
3 procedures for drug testing of an eligible individual; provided  
4 that no individual shall be eligible for direct assistance  
5 supplements to the eligible individual under this section  
6 without consenting to drug testing as a condition of  
7 eligibility based on a finding of probable cause by the  
8 department of illegal substance use.

9 D. For purposes of this section, "drug testing"  
10 means analysis of an individual's blood, hair or urine to  
11 screen for an illegal substance."